

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

MICHAEL MARTIN MERRIAM,
MELISSA JANE MERRIAM,

Debtors.

Chapter 7

Case No. 13-00970-8-SWH

**MOTION TO CONVERT FROM
CHAPTER 7 TO CHAPTER 13**

The Debtors move the Court to convert this matter from chapter 7 to chapter 13. In support of this Motion the Debtors state the following:

1. That a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code was filed on February 17, 2012;
2. This motion by the Debtors is brought pursuant to 11 U.S.C. 706(a), and in accordance with Bankruptcy Rules 1017(d) and 9013 to effect the conversion from chapter 7 to chapter 13; and
3. This case has not previously been converted under sections 11 U.S.C. 1112, 1208, or 1307.

WHEREFORE the Debtors respectfully request that the Court convert this case to chapter 13, and grant such other and further relief as the Court may deem proper.

Dated: April 25, 2013

Respectfully submitted,

/s/ Brian E. Isgett

Brian E. Isgett (NC 40261)
BRIAN ISGETT ATTORNEY AT LAW
8366 Six Forks Road, Suite 104
Raleigh, North Carolina 27615
Email: bisgett@isgettlaw.com
Phone: (919) 408-7792
Fax: (919) 666-3466
Counsel for Debtors

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NOTICE OF MOTION

The Debtors have filed a motion with the court to convert from Chapter 7 to Chapter 13. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then you or your attorney must file with the court, within 21 days from the date of service of this motion, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing electronically or at:

Clerk, U.S. Bankruptcy Court, 1760-A Parkwood Blvd W, Wilson, NC 27893-3564.

You must also mail a copy to the following:

Brian Isgett Attorney at Law 8366 Six Forks Road, Suite 104 Raleigh, NC 27615	David M. Warren POYNER SPRUILL Chapter 7 Trustee PO Box 1801 Raleigh, NC 27602-1801
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If a response and a request for hearing are filed in writing, a hearing will be conducted on the motion at a date, time, and place to be later set and all parties will be notified accordingly.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in this motion and may enter an order granting that relief.

Dated: April 25, 2013.

Respectfully submitted,

/s/ Brian E. Isgett

Brian E. Isgett (NC 40261)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this, the 10th day of April, 2013, he served copies of the foregoing Motion and Notice by depositing copies of said order in the US mail, postage prepaid, and addressed to the creditors listed in the attached creditor address matrix and upon the following parties through the court's electronic notification system:

Chapter 7 Trustee

David M Warren

POYNER SPRUILL LLP

PO Box 1801

Raleigh, NC 27602-1801

Bankruptcy Administrator

Post Office Box 3758

Wilson, NC 27894-3758

/s/ Brian Isgett